The Nanking Government's

Laws and Regulations

Vol. I

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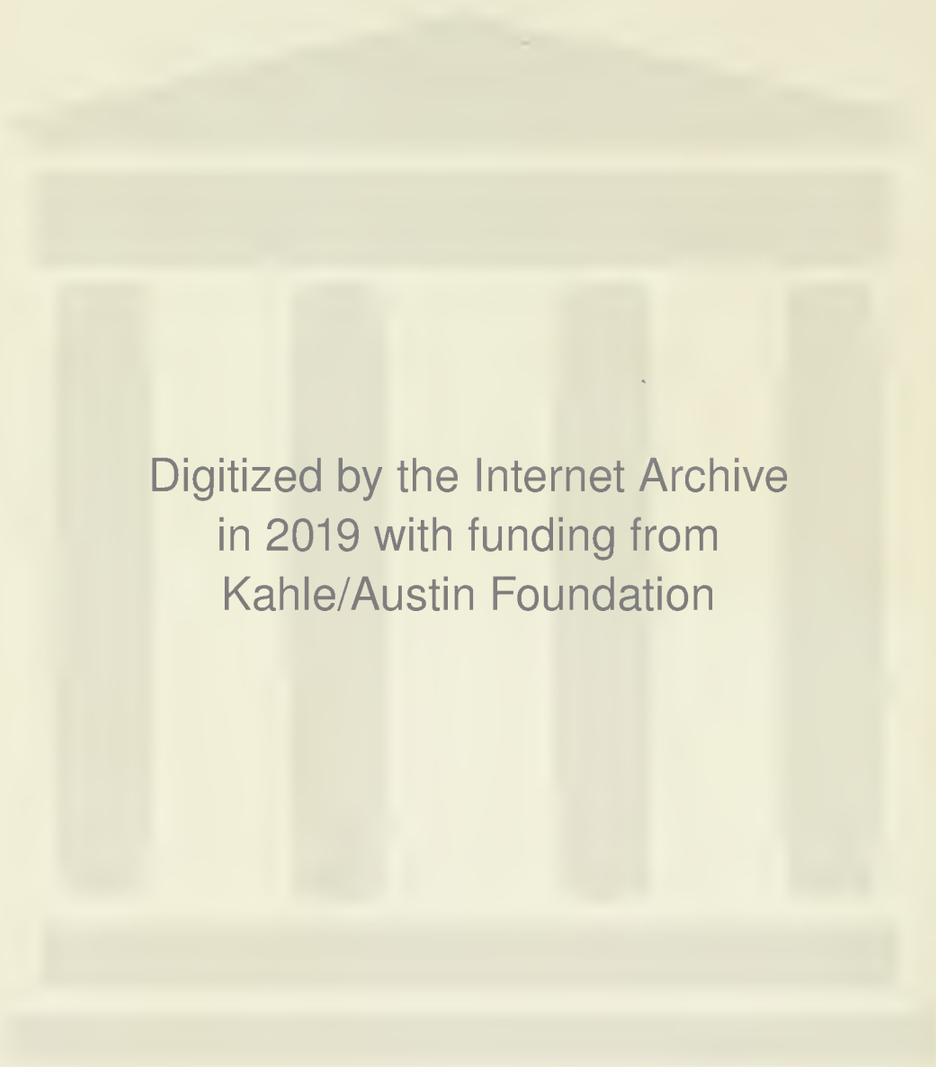

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THE

NANKING GOVERNMENT'S

LAWS AND REGULATIONS

Affecting

TRADE, COMMERCE, FINANCE, Etc.

- VOLUME I -

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Issued by the

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NATIONALIST TRADE MARK LAW

(Translation by N. F. Allman)

ARTICLE 1. Since a trademark is intended to indicate or identify an article of commerce produced, manufactured, selected or handled by oneself or agent in his business, it must consist of distinctive characters, designs or symbols, or a combination thereof. Persons desiring exclusive right of use in a trademark must apply for registration thereof under this law. The colours of a trademark must be specifically mentioned.

ARTICLE 2 None of the following may be filed for registration as a trademark.

(1) Anything identical with or similar to the national flag, ensign or seal of the Republic of China, the military flag or any official seal or insignia of honour.

(2) Anything identical with or similar to the Red Cross insignia or the national or military flag of any foreign state.

(3) Anything calculated to corrupt the morals, to disturb order or to deceive the public.

(4) Anything identical with or similar to a mark or emblem generally used on the same class of goods according to an established custom.

(5) Anything identical with or similar to a mark generally known as another person's mark or emblem and used on the same kind of goods.

(6) Anything identical with or similar to any medals awarded by the government or any medal or diploma granted by the authorities of an exposition or industrial exhibition. This does not apply, however, in cases where the receiver of the medals or diplomas uses them as a part of his own trade mark.

(7) Anything that contains the name, trade name or photograph of another person or corporate body or other organisation except when the owner's consent has been secured.

(8) Anything identical with or similar to another person's trademark, the registration of which has become invalid, except after the expiration of a full year. This does not apply, however, in a case where the registered trademark has not been used for a year before the registration loses its validity.

ARTICLE 3 When two or more persons apply separately for registration of an identical or similar trademark appropriated to the same class of goods, only the application of the first user can be granted. If neither has ever used the trademark or when there is no way of ascertaining who is the first user, the first applicant is entitled to registration. Should both apply on the same date, neither application will be granted registration unless the parties come to an understanding whereby one party agrees to let the other enjoy exclusive use of the trademark.

ARTICLE 4 When application is made within six months from the promulgation of this law for the registration of a trademark which has been continually used in good faith for five years, before the coming into effect of this law, the application may be registered notwithstanding the provisions of Article 2, Clause 5 and Article 3. If necessary, however, the Trademark Bureau may order changes or impose restrictions in regard to the design and the manner in which the trademark is affixed

ARTICLE 5. Similar trademarks used by the same persons on the same class of goods may be filed for registration as "associated trademark".

ARTICLE 6 Citizens of foreign countries desiring to enjoy exclusive trademark rights such as are provided for in the treaties for mutual protection of trademarks, should apply for registration under the present law.

ARTICLE 7 Rights growing out of an application for registration of trademark are assignable in connection with the business to which it belongs. But the assignee of such rights must report the assignment and substitute his name for that of the original applicant, otherwise he has no locus standi in respect to their parties.

ARTICLE 8 A person having no place of residence or place of business within the territory of the Republic of China cannot apply for registration of trademark etc., and obtain exclusive right for the use thereto or other privileges connected with trademark, unless he appoint as his agent some one who has a place of residence or place of business within the territory of the Republic of China. Such an agent, unless vested with limited or special authority, shall also represent his principal in litigation and all such matters relative to trademarks as are provided for in this and other laws.

ARTICLE 9 The appointment and change of such agents or the modification or revocation of their powers must be reported to the Trademark Bureau for approval and registration, otherwise such change, modification or revocation cannot be set up in respect to third parties.

ARTICLE 10 If any agent who is authorised to act in connection with trademarks is found to be incompetent to act, the Trademark Bureau may order a change and thereafter

declare any action that he may have taken for his principal in regard to trademarks as having no effect.

ARTICLE 11 For persons living in Foreign countries and at distant or inaccessible points, the Trademark Bureau may extend, on its own authority or upon request of the applicant, the period specified by law for doing the necessary acts prescribed by this Bureau.

ARTICLE 12 Applications made or other steps taken in connection with a trademark after expiration of the time, fixed by law, or otherwise specified for such purpose, shall all be considered invalid except when it is shown that the delay was unavoidable or other good reasons are shown for the delay.

ARTICLE 13 If accompanied by a statement of reasons therefor, no application for verification of, to trade, copy or examine a trademark or its accessories should be refused except when, in the opinion of the Trademark Bureau, they should be kept confidential.

ARTICLE 14 The owner of a registered trademark acquires exclusive right from the date of registration. But the right is confined to the goods definitely specified in the application for registration.

ARTICLE 15 One cannot acquire exclusive right of use to a trademark so as to prevent others from using ordinary methods to show their name or style of business or to aptly describe the name, origin, quality, shape and merits of their products. This does not apply, however, to cases where use is made of a similar name or style mala fides after the registration of the trademark.

ARTICLE 16 The term of exclusive use of a trademark is twenty years from the date of registration. Trademarks registered in a foreign country may be filed for registration according to Article 6 and the term of the exclusive use of same will be the same as the term of registration in the foreign country, provided, however, that in no case shall this period exceed twenty years. In accordance with this law, the foregoing term may by application be extended for a period of twenty years.

ARTICLE 17 The exclusive right of use in a trademark may be assigned together with the business to another person. Trademarks may be assigned separately but with the goods to which appropriated. "Associated trademarks" cannot be assigned aeparately.

ARTICLE 18 The assignment of the exclusive right of use in any trademark must be registered with and approved by the Trademark Bureau, otherwise the assignment has no locus standi in respect to third parties. The same procedure must be followed when the exclusive right of use in the trademark is mortgaged to another person.

ARTICLE 19 The exclusive right of use in a trademark may be cancelled at any time upon the request of the registered owner. On any of the following conditions the Trademark Bureau should cancel the registration on its own authority or upon the request of a party concerned or who may be injured.

(1) When the general appearance of the registered trademark is altered or signs or symbols added for the purpose of imitation.

(2) When one year has elapsed since the registration but the owner without good reason has never begun to use the registered trademark, or when two years have elapsed since he abandoned the use thereof after the registration

(3) When no application for registration of an assignment has been made within one year of the date the trademark rights were assigned. But this does not apply to assignments by succession.

Clause 2 of this article does not apply to cases where one of the "associated trademarks" is still in use nor to cases where the trademarks registered in foreign countries are in use and the use thereof has not been abandoned in the countries where they are registered.

Before cancelling the exclusive right of use in any trademark according to clause (1) of this article, the Trademark Bureau must notify the owner thereof or his agent sixty days in advance. If the owner opposes this cancellation a suit may be brought within sixty days before the Ministry of Labour.

ARTICLE 20 If during the term of the exclusive right of use in a trademark the business with which it is connected is discontinued then the trademark rights are extinguished.

ARTICLE 21 The registration of the exclusive right of use in a trademark or the extension of the term of such registration, if contrary to Articles 1 to 5, may be declared invalid by the Trademark Bureau after hearing.

ARTICLE 22 The Trademark Bureau shall prepare trademark registration books, in which shall be registered the exclusive rights of use and other trademark privileges, as well as all matters in connection therewith required by law. The Bureau will enter in the trademark books all trademarks approved for registration, and issue therefor certificates of registration.

ARTICLE 23 The Trademark Bureau shall publish a Trademark Gazette, containing all registered trademarks and pertinent matters in connection therewith.

ARTICLE 24 For registration of the exclusive right of use in any trademark or an extension of the term of such registration, the applicant must pay at time of the application the prescribed fees which shall be refunded by the Trademark Bureau if the application is rejected.

ARTICLE 25 The application for registration of trademark must state the class of goods to which it is appropriated. Goods must be classified as set forth in the Regulations for the execution of this law.

ARTICLE 26 When the Trademark Bureau receives an application for registration of the exclusive right of use in a trademark, or of an extension of the term of such registration, an examiner shall make due enquiry after which, if the application be found according to law, the applicant shall be furnished with a copy of the decision and the result published in the Trademark Gazette. After six months the application will be granted provided there is no opposition or interference on the part of injured or interested parties, or whenever such opposition or interference shall be overcome.

ARTICLE 27 An applicant whose application has been rejected may submit, within thirty days, after receipt of the decision, a request for a re-examination, together with a statement of the reason therefor. Should the applicant be dissatisfied with the second decision, he may lodge an appeal according to law with the Ministry of Labour.

ARTICLE 28 In the following cases an interested party or party likely to be injured may apply for a hearing:

(1) When, according to Article 21, the registration is invalid.

(2) When the extent or limit of the exclusive right of use in a trademark should be defined.

(3) When the registration of a trademark should be declared invalid for being contrary to Article 1 or Article 2, Clauses (1) to (6), the examiners may call for a review.

No request for a hearing can be made in respect to a trademark after a lapse of three years after publication in the Trademark Gazette although such trademarks are in violation of Article 2, Clauses (7) and (8) and Articles 3 to 5.

ARTICLE 29 A written application must be filed with the Trademark Bureau when a hearing is desired. In all such cases copies of the documents from the interested parties must be furnished by the Trademark Bureau to their opponents and it will require them to file answers within a given time and order either party to state facts in response to any interrogatory that may be put to them.

ARTICLE 30 For a hearing three examiners must be present. Every question before them is to be settled by a majority vote. Examiners are to be designated by the President of the Trademarks Bureau according to the circumstances of each case. No examiner can attend who is interested or has previously taken a part in the matter under dispute.

ARTICLE 31 The examiners may base their decision on the papers which have been filed. If necessary, a day may be named and the parties summoned for an oral discussion. No hearing shall be suspended merely because of delay or inability of the interested parties to present themselves within the appointed time or the time prescribed by law.

ARTICLE 32 Any person whose interests may be affected by the matter under hearing may request to intervene before the review is concluded. Whether or not the intervention will be allowed must be decided by the examiners on the basis of the examination of the parties. If the effect of the intervention in the examination is other than of assistance to the party whom the intervenor would support then the intervenor's action will be without effect.

ARTICLE 33 If the decision of the examiners is not acquiesced in, an application for a further hearing may be made within 30 days after receipt of the decision. The procedure to be followed in such cases will be the same as that observed in applying for the first hearing.

ARTICLE 34 If the second decision is not acquiesced in, an appeal may be made within 60 days to the Ministry of Labour. If the applicant is dissatisfied with the decision of this Ministry suit may be brought according to the law and procedure in the administrative court. Such suits are limited however to cases where the decision is contrary to law.

ARTICLE 35 After the decision of the examiners in regard to any trademark has been given, no person may ask for a re-hearing on the same facts and the same evidence.

ARTICLE 36 In case a civil or criminal action is brought in matters having a bearing upon the exclusive right of use in any trademark, no legal proceedings shall commence until after the decision of the examiners has been given.

ARTICLE 37 If it is desired to obtain exclusive right of use in a mark used on a commodity which is not bought or sold for purpose of gain, an application for registration of

the mark should be made according to the present trademark laws. Such trademarks or emblems come within the provisions of this law.

ARTICLE 38 The amounts of the trademark registration fee and all other fees payable in matters connected with trademarks shall be prescribed in the rules for the execution of this law.

ARTICLE 39 The perpetrator of any of the following acts is subject to be sentenced to penal servitude for one year or less or to be fined $500.00 or less and his stock consfscated:-

(1) Using another person's registered trademark on the same goods or using containers, wrappers, etc. that bear his registered trademark thereon for the same goods, or delivering or selling goods as aforesaid.

(2) Delivering or selling another person's registered trademark; containers, wrappers, etc., that bear said registered trademark; with the intent that others use them on or for identical goods.

(3) Counterfeiting or simulating another person's trademark with a view to using it or causing it to be used on identical goods.

(4) Using spurious or simulated trademarks on identical goods; or delivering or selling such trademarks, with the intent of causing others to use them on identical goods.

(5) Delivering or selling identical goods on which the spurious or simulated trademark is used.

(6) Delivering or selling goods on which are used trademarks identical with or similar to registered trademarks of another person; or importing such goods from foreign countries with the intention of selling or delivering them.

(7) Using on advertisements, signboards, invoices, bills and other business documents, trademarks identical with or similar to the registered trademark of another person, in respect to identical goods.

The offence of delivering or selling in such cases as are specified in clauses (1), (2), (5) and (6) is committed

when a person has possession with intent to deliver or sell the same.

The offence mentioned in paragraph (1) will not be dealt with until complaint is filed by the injured party.

ARTICLE 40 The perpetrator of any of the following acts is subject to be sentenced to penal servitude for six months or less, or fined $200.00 or less;

(1) Obtaining by fraud the exclusive right of use in a trademark.

(2) By using on any goods trademarks which are falsely alleged to be registered or delivering or selling or having possession of such goods with the intention of delivering or selling the same.

(3) Using on advertisements, signboards, bills, invoices and other business documents, trademarks falsely represented to be registered which in fact are not.

ARTICLE 41 Goods subject to confiscation according to Article 39 may be appraised and delivered to the injured party upon his request before judgment is given. If the amount of loss sustained by the injured party is in excess of the value of the property delivered to him, he may ask further damages by legal process in order to make up the deficiency.

ARTICLE 42 Witnesses, experts or interpreters who make false statements to the Trademark Bureau or the authorities, exclusive or judicial, acting on its behalf are liable to be sentenced to six months penal servitude or less or fined $200 or less. Any offender who voluntarily confesses before inquiry is completed and the case determined, may be given a lighter sentence or fully pardoned.

ARTICLE 43 In the trial and execution of court processes in trademark cases imposing penalties and damages for injuries such as are prescribed in Articles 39 to 42, when foreigners are concerned, the treaties in force shall be observed if these treaties contain special provisions thereon.

ARTICLE 44 This law shall be effective from the date of promulgation.

(This law promulgated and published in Trademark Gazette No. 1 issued at Nanking, February 15th, 1928)

T R A N S L A T I O N

By N. F. Allman

NECESSARY INFORMATION CONCERNING THE REGISTRATION OF TRADEMARKS

APPLICATION FOR RE-REGISTRATION

Applicants for re-registration of trademarks which have been registered with the Peking Trademark Bureau prior to May 1st, 1927, shall submit facsimiles and fees as follows:-

Re-registration fee	$10.00
Application fee	5.00
Educational fee	3.00

together with the original certificate of registration for examination. In case this certificate has been lost then the number and date thereof shall be given.

Applicants for registration of trademarks which have been registered with the Peking Trademark Bureau subsequent to April 30th, 1927, shall submit 10 facsimiles, 1 electro type and fees as follows:-

Registration fee	$40.00
Application fee	5.00
Educational fee	12.00

and said applications shall be re-approved and re-published in the trademark gazette according to law.

Applicants for re-registration of assignments or approval of assignments of trademarks which have been registered prior to May 1st, 1927, shall submit 5 facsimiles and fees as follows:-

Re-registration fee	$10.00
Application fee	5.00
Educational fee	3.00

and the original certificate of assignment for examination. In case such certificates have been lost then the numbers and dates thereof shall be given.

Applicants for registration of assignments of trademarks which have not been registered or approved at Peking Trademark Bureau, or which having been registered subsequent to April 30th, 1927, shall submit with each trademark 10 facsimiles and fees as follows:-

Re-registration fee	.....	$10.00
Educational fee	.....	3.00
Application fee	.....	5.00
Assignment fee	.....	20.00
Educational fee	.....	6.00
Application fee	.....	5.00

and on the payment of the total fees the procedure is complete.

There are two prescribed application forms for re-registration, which may be obtained from this Bureau. Separate applications shall be used for each trademark; several trademarks cannot be included in one application, but several applications may be delivered to this Bureau in one envelope.

NEW REGISTRATIONS

Applicants for registration of trademarks shall submit for each trademark 10 facsimiles, 1 electro type, and the following fees:

Registration fee	.....	$40.00
Educational fee	.....	12.00
Application fee	.....	5.00

Electro types shall be forwarded without delay and should accompany the application.

The length and width of facsimiles and electro types shall not exceed four inches of the new measurement (or 12.8) If coloured facsimiles are used and are over size they shall be submitted with the application for reference, accompanied

by electro types and 10 black and white facsimiles, in order to have same annexed to the Decision of Approval and Certificate of Registration.

Every trademark application or other applications in connection therewith shall be filled in or written with neat and formal writing so as to avoid mistakes.

Foreign or Chinese merchants with residence or place of business in China, may apply for registration directly to this Bureau, and such applicants need not appoint agents in order to avoid delay and trouble.

The old forms of application for registration may be used pending the issuance of the new printed forms of applications by this Bureau; but separate applications shall be used for each trademark, and several trademarks must not be included in one application. Several applications however may be delivered in one envelope.

OTHER MISCELLANEOUS MATTERS

A ten cent tax-stamp shall be attached to each application. A 50 cent tax-stamp shall be attached to each certificate of registration. Said stamp shall be forwarded with the application, in order to avoid delay.

In case an application for registration of a trademark is disapproved or not granted by this Bureau, the registration fee, educational fee and tax stamp shall be returned to the applicant.

Any other matters arising and that is not covered in this "Necessary Information" shall be governed by the Regulations for Registration, Schedule of fees for registration of trademarks and the Detailed Regulations of the Trademark Law.

TRADE MARKS

(Appendix 1)

Translation of Temporary Regulations for the Investigation of Certificates of Registration of Trade Marks.

(Promulgated December 19, 1928)

1. Original Registration Certificates in respect of Trade Marks registered at the Peking Trade Mark Bureau before May 1927, but excluding those re-registered in accordance with the Registration Regulations at the National Bureau of Registration and holding its Certificates, shall within six months of the promulgation of these regulations be presented to the Trade Mark Bureau for examination.

   The fee for the foregoing examination is $10 to be paid on application, but for associated Trade Marks one-half only is required.

2. After Registration Certificates have been examined they will be entered by the Trade Mark Bureau in a separate register and will be published in the "Trade Mark Gazette". The original certificates will be chopped and returned.

3. Trade Mark Registration Certificates, which have been examined in accordance with Article 1, may when the applicant so desires be exchanged for new certificates, but a fee of $2 for change of certificate and $1 for stamp tax must be paid.

4. When Trade Marks, in respect of which applications for examination of Registration Certi-

ficates have been made, are the same as Trade Marks registered at the National Bureau of Registration and the Trade Mark Bureau has so declared them, applicants may request a hearing regarding the Trade Marks registered at the National Bureau of Registration in accordance with Article 28, Sections 1 and 3[H] of the Trade Mark Law.

5. Persons who, prior to May 1927, obtained certificates of Approval from the Peking Trade Marks Bureau may, within six months of the promulgation of these regulations, apply to the Trade Mark Bureau to re-apply the procedure laid down in Article 26/, Section 2, of the Trade Mark Law regarding publication in the "Gazette" and Approval.

With the foregoing application payment must be made of one-quarter of the fees leviable under Article 34, Section 1[I], of the Detailed Regulations relating to the Trade Mark Law, as well as of the fees leviable under Article 35, Section 1[HH] of the same Regulations. Payment must accompany applications.

6. If Trade Mark Certificates of Approval, for which application is made to re-apply the procedure as indicated in Article 5//, are the same as or similar to Trade Marks registered at the National Bureau of Registration, the Trade Mark Bureau may reject them and return the quarter registration fees paid

Where such Certificates of Approval are

rejected, applicants may in accordance with Article 27 of the Trade Mark Law apply for re-investigation.

7. All registration Certificates and Certificates of Approval issued by the Peking Trade Mark Bureau after May 1, 1927, are invalid, but where a factory or head sales office is situated in Hopei, Shantung, Manchuria, Chahar, Suiyuan, Jehol or Peiping, the Registration Certificates and Certificates of Approval may be dealt with under these Regulations provided that the actual date of their issue was before those places came under the allegiance of the National Government.

8. These Regulations shall come into force from the date of promulgation.

NOTE

In Article 1, the Registration Regulations referred to are the Registration Regulations of the National Bureau of Registration.

In Articles 5 and 7 Certificates of Approval (Shen Ting Shu) are the preliminary documents issued to applicants to show that applications for registration are in order and that publication in the "Gazette" is proceeding.

In Article 5 the reference to Article 26, Section 2 is not clear. Presumably the Trade Mark Law has been revised in some minor particulars and an attempt is being made to obtain a copy of any amendments since promulgation.

Article 28, Sections 1 and 3 read as follows:-

Article 28.- In the following cases, an interested

party, or party likely to be injured may apply for a hearing:

(1) When, according to Article 21, the registration is invalid.

(2) When the registration of a trade mark should be declared invalid for being contrary to Article 1 or Article 2, Section (1) to (6), the examiners may call for a review.

Article 26, reads as follows:-

Article 26.- When the Trade Mark Bureau received an application for registration of the exclusive right of use in a trade mark, or of an extension of the term of such registration, an examiner shall make due enquiry after which, if the application be found according to law, the applicant shall be furnished with a copy of the decision and the result published in the "Trade Mark Gazette." After six months the application will be granted provided there is no opposition or interference on the part of injured or interested parties, or whenever such opposition or interference shall be overcome.

Trade Mark Regulation No. 34, Section 1 reads as follows:-

Article 34.- The fees prescribed for the registration of trade marks are as follows:

(1) For registration of exclusive right or for the extension thereof each $40.00

Trade Mark Regulation No. 35, Section 1 reads as follows:

Article 35.- Other fees relating to trade marks prescribed by the trade mark or by other laws or regulations are as follows:

(1) Application for registration $5.00

// Trade Mark Law, Article No. 5 reads as follows:-

Article 5.- Similar trade marks used by the same person on the same class of goods may be filed for registration as "associated trade marks."

" Trade Mark Law Article 27 reads as follows:-

Article 27.- An applicant whose application has been rejected may submit, within thirty days, after receipt of the decisions, a request for a re-examination together with a statement of the reason therefore. Should the applicant be dissatisfied with the second decision, he may lodge an appeal according to law with the Ministry of Labour.

TRADE MARKS.

Appendix 2.

(Article which appeared in the February issue of the British Chamber of Commerce Journal 1929)

In spite of the many problems pressing for more immediate attention, the National Government shortly after its establishment at Nanking, instituted a new office for the registration of Trade Marks at Nanking, and, some months after, followed it up with the promulgation of a new Trade Mark Law. In view of the fact that the Treaty Powers had accorded recognition to the Chinese Trade Mark Law of 1923 and that the Trade Mark Bureau at Peking was functioning thereunder, British trade mark owners were strongly advised not to register their marks at the new Bureau at Nanking. The abolition of the Peking Bureau, however, in May 1928 by the National Government consequent on the fall of Peking to the National Party, and the invalidation of Trade Marks registered thereat placed British trade mark owners and trade mark owners of other nationalities who had refrained from registering at Nanking, in a most difficult position. While on the one hand British trade mark owners were, rightly, still advised not to submit their marks for any kind of registration or examination at Nanking until an official understanding had been reached between the Governments concerned, yet, on the other hand, there was every possibility that infringements of valuable marks might at any time be put on the Register at Nanking. Presumably as the result of the Diplomatic representations on the subject, the National Government, through the Ministry of Industry, Commerce and Labour, has now issued Regulations which provide for the

recognition, under certain conditions, of marks previously registered at the Peking Bureau. These Regulations are, however, open to criticism in several particulars and cannot be taken by British trade mark owners as constituting a satisfactory settlement of the question.

The effect of these Regulations is to differentiate into three classes marks registered at the Bureau of Trade Marks at Peking, or for registration of which an Application has been made. Thus ----

(a) Marks which were actually registered at Peking prior to May 1, 1927; these marks will be re-registered at Nanking after an examination for which a fee of $10.00 per mark is chargeable.

(b) Marks which were approved for registration at Peking before May 1, 1927; these marks will be registered at Nanking upon the completion of the necessary formalities and upon payment of a quarter of the ordinary registration fees.

(c) Marks which were neither registered nor approved for registration at Peking before May 1, 1927; these marks must be registered afresh at Nanking in the same manner as marks not previously registered at all.

The Regulations further provide that in the event of marks similar to any marks falling within the above classes being already registered at the Nanking Bureau of Trade Marks, then, in the case of Marks falling within Class (a) above-mentioned, if such marks are refused re-registration, the owners shall have the right to apply for a re-examination of their marks by the Nanking Bureau; in the case of marks falling within Class (b) above-mentioned, such marks may be rejected by the Nanking Bureau, but the owners shall have the right to apply for a re-consideration of their case; and in the case of marks falling within Class (c) above-mentioned, such marks will have no special privilege at all, but will be in the same position as new marks.

It will be readily seen from the above summary that the Regulations are open to objections from the point of view of proprietors of marks registered in Peking but not yet registered at Nanking. To take the least important point first, the fees charged for securing registration by the Nanking Bureau are scarcely reasonable in view of the fact that, in the case of all marks to which the Regulations are meant to apply, full fees have already been paid to the Peking Bureau of Trade Marks. It would have been more reasonable to have credited owners of Trade Marks with all fees paid by them to the Peking Bureau and only to have charged a small fee for the issue of a new Certificate of Registration.

Of more importance, however, is the adoption of May 1, 1927 as the date before which registrations at Peking will be recognized, and after which they will not be recognized. This date is not entirely an arbitrary date, but is said to be the date upon which the Trade Mark Register at Nanking was inaugurated. At that time, however, the Bureau at Peking was still functioning and was the only Trade Mark Office recognized by the Treaty Powers. The proper date, therefore, to have chosen would have been the date upon which the Peking Bureau of Trade Marks was abolished, namely, some time in May 1928. This point would naturally only assume real importance in the event of there being put on the Nanking Register a mark which was an infringement of a mark neither registered nor approved for registration at Peking before May 1, 1927. In such a case the owner of the mark registered at Peking, which might be an old and valuable mark, would, apparently, have no remedy at all.

Lastly, it would appear to us that the chief defect of the Regulations published by the National Government lies in the fact that they nowhere enunciate that, as between marks similar to each other, which have been registered at the Peking and Nanking Bureaux respectively, priority of user in every case should determine the right to registration on the new Nanking Register. The principle of priority of user is one of such obvious equity that it is surprising that it finds no mention in the Regulations.

Referring to Clauses IV and VI of the Regulations, which govern cases where marks registered or approved for registration at Peking before May 1, 1927 are similar to marks already registered at Nanking, it must inevitably be disquieting to foreign trade mark proprietors to find that it is not clearly stated that the Nanking Bureau will decide such case by reference to priority of user only.

The omission of a clearer statement that the Bureau will be guided in its decisions in these cases by priority of user alone, prevents the Regulations from affording, in the eyes of British trade mark owners, a satisfactory settlement.

In conclusion, it may be stated that the unqualified adoption of this principle of priority of user by the Nanking Bureau should result in the acceptance by it of Certificates of Registration and of approval for registration of marks issued by the Peking Bureau as raising a presumption of priority of user in favour of such marks. The new Bureau of Trade Marks would in this way make plain once and for all the intention, which it undoubtedly has, of applying the same legal principles which govern the registration of trade marks in other countries.

February 1929

TRADE MARKS.

Appendix 3.

(Letter to the British Chamber of Commerce Journal from Mr. W.J.Wen, Director of the Nanking Bureau of Trade Marks.)

March 1, 1929

The Editor,
British Chamber of Commerce Journal,
Shanghai.

Dear Sir,

In your February issue you discussed with some length the new regulations issued by the Ministry of Industry, Commerce and Labour for the examination of the Peking Trade Marks. While admitting that you have studied these regulations throughly it seems necessary to call your attention to some of the misconceptions as are found in your interpretation of them.

You remarked:- "It would have been more reasonable to have credited owners of Trade Marks with all fees paid by them to the Peking Bureau and only to have charged a small fee for the issue of a new Certificate of Registration". While you did not define your conception of a "small fee", you will admit that $10 per mark are reasonable charges. Anyway, if you know the amount of work connected with the examining of a mark, you will admit that a charge of ten dollars is fair.

Of the three classes of marks according to your classification, Class (a), that is, for marks registered in Peking before May 1, 1927, is charged ten dollars; Class (b), that is for marks that were approved for registration in Peking before May 1, 1927, is charged only one quarter of the ordinary registration fee which is again not much more than ten dollars; only Class (c) needs a little explanation.

Class (c) consists of those marks that were neither registered nor approved for registration at Peking before May 1, 1927. We require these marks to be registered afresh, because that was the date of the establishment of the National Government in Nanking. After that date it would be ridiculous for the National Government to countenance the fact that its nationals might register a mark in a government against which it was carrying on active warfare and which was not recognized by any government in the World. It must be borne in mind that the Chinese laws are made primarily for the Chinese people and, incidentally for peoples who claim protection therefrom.

In the last paragraphs you dealt with some length on the question of priority of user and immense dissatisfaction was manifested because this principle was not clearly enunciated in the newly issued regulations. It must be borne in mind that these regulations are only supplementary to and have never been intended to supercede the Trade Mark Law where the principle of the priority of user is definitely stated. Article 3 of the Trade Mark Law reads as follows:-

> "Where two or more persons apply separately for registration of an identical or similar Trade Mark for the same goods, registration shall be granted to the person who is the first user of such Trade Mark, but where none of the applicants was, before application, actual user of such Trade Mark, or where it cannot be established as to who is the first user, registration may be granted to the person who shall first make application. If the applications are of the same date no registration shall be granted to any one of the applicants until they have by mutual consent assigned the Trade Mark exclusively to one of them".

When the principle of priority of user is so clearly stated in the original law, you will admit that it is not necessary to repeat it in the regulations. After all that has been said, you will agree with me that the apprehension of the foreign marchants that their interests will be prejudiced by these regulations is altogether unnecessary and unfounded.

Trusting that you will advise your merchants of the above explanations in your next issue, I am

Yours truly, W.J.Wen
Director.

TRADE MARKS.

(Appendix 4)

In the "Trade Marks Gazette" No. 14 (Chinese), appears Petition No. 34 addressed to the Ministry of Industry and Commerce by the Trade Mark Bureau. A translation follows, together with translation of the reply from the Ministry of Industry and Commerce:-

(Translation)

Petition No. 34 addressed to the Ministry of Industry and Commerce by the Trade Mark Bureau:

This petition is presented with a view to refraining the various judicial courts from over-stepping the bound of their jurisdiction by passing judgments to cases in connection with the exclusive right of use of trade marks.

Article 36 of the Trade Mark Law clearly states that no civil or criminal actions relating to matters in connection with the exclusive right of use of trade marks may be proceeded with until after the decision of arbitration by this Bureau is made. Since this Bureau is vested by law with the right to deal with all matters relating to the consideration and examination of trade marks, objections and arbitrations, no judicial court would be able to pass judgments until we have decided whether there is any similarity between trade marks in dispute and determined the rightful owner of the exclusive user, as their judgments must be based upon our decisions.

The American National Carbonite Co., first petitioned this Bureau that the "Four Butterfly" trade mark

of the Cheng Hsin Battery Factory was an imitation of their "Eveready Label" trade mark. After due consideration we ordered the Cheng Hsin Factory to change their design and submit it to us again with the date their trade mark was first used for our consideration. The same Company again petitioned us that they have obtained a judgment from the Shanghai Provisional Court in their favour, and by which the Cheng Hsin Factory was ordered to completely change their trade mark. Inasmuch as the case having already been placed with the Bureau, the Shanghai Provisional Court should not have given their judgment without first referring to us.

With regard to the dispute between the British-American Tobacco Co., and the Hua Shih Brothers Tobacco Co., over their respective trade marks, the "Ruby Queen" and the "Rosy Queen", both parties had already filed objections at this Bureau, but the former Company without waiting for the decision of this Bureau instituted criminal proceedings at the Provisional Court. The Hua Shih Brothers Tobacco Co., thereupon enquired of us if according to the Trade Mark Law the Provisional Court had the right to accept the case. Considering their argument reasonable, this Bureau wrote requesting the Provisional Court to suspend their proceedings.

The Mei Feng Weaving Factory petitioned us that the "Mei Ti" trade mark of the Huan Chong Hosiery Factory was an imitation of their "Mei Feng" trade mark. We found the "Mei Ti" trade mark was in all respects a perfect imitation of the "Mei Feng" trade

mark, it being done with malicious intention and we then petitioned you to prohibit through the proper quarters the "Mei Ti" trade mark. At the same time the Mei Feng Factory brought action at the Shanghai District Court which in their judgment held that there was a similarity between the trade marks. The Huan Chong Factory, however, appealed to the Kiangsu High Court, which, without consideration, gave judgment that there was no similarity. In their so doing, the High Court had entirely overturned the procedures of this Bureau and the Ministry orders. In view of their blunder, we telegraphed to the said Court requesting them to refrain from issuing their judgment, but up to the present they have not yet replied.

In the above cases, the merchants may be excused for the blunders made due to their not being acquainted with the scope of jurisdiction of this Bureau and the judicial courts, but are at a loss to understand why the judicial courts are so ignorant of their legal rights and overstep the bounds of their own jurisdiction. In view of the judicial courts not being the proper administrative institution for the registration of trade marks, and their not having made close study of the way of examining trade marks, their rendering wrong and contradictory judgments is not unexpected as is illustrated by the "Mei Feng" and the"Mei Ti " case.

The government in establishing the various tribunals have given them their respective rights, and, as the proper institution for the registration of trade marks, all matters relating to trade marks should be referred to our Bureau. As a precaution against

recurrence of wrong jurisdiction, we respectfully submit that the Ministry of Jurisdiction be requested to notify the various judicial courts and the Shanghai Provisional Court that hereafter in all actions, civil or criminal, relating to the exclusive right of use of trade marks, they shall first refer the cases to this Bureau before giving their own judgment. While such cases, which have first been placed with this Bureau shall be suspended from proceeding until decisions by this Bureau have been issued, even cases that have not been brought to the notice of this Bureau shall also be referred to us for decision according to proper law.

If all cases are dealt with as above, there would be no confusion over judicial rights and disputes over trade marks would be much reduced.

It is hereby prayed that proper representations will be made to the Ministry of Jurisdiction.

(Sd.) Wen Wan Ching.

Dated February 27, 1929.

MINISTRY OF INDUSTRY AND COMMERCE

Order No. 2525

(Chinese "Trade Mark Gazette" No. 14)

To Wen Wan Ching,
Director of the Trade Mark Bureau.

The Ministry has received your petition requesting that orders should be despatched to the various judicial courts from the proper quarters bearing upon them that hereafter they shall not pass judgments to cases in connection with the exclusive right of use of trade marks. It has been duly communicated to the Administrative Department of the Ministry of Jurisdiction with a request to order the various judicial courts to act accordingly.

Dated March 9, 1929. (Sd.) H. H. Kung
Minister of Industry and Commerce

ARRANGEMENT FOR THE PROVISIONAL REGISTRATION OF PATENTS BY FOREIGNERS

TEMPORARY REGULATIONS

June 8th, 1927

The public are hereby notified with respect to the matter of applications by foreigners for Patent rights that the Patent Law having not yet been drawn up and promulgated, it is impossible to deal with such applications. Latterly foreigners have been applying with increasing frequency to have inventions placed on record, and the following temporary arrangement for the Registration of Patents by Foreigners has been drawn up to afford guidance.

1. All Treaty Power nationals who have invented articles or processes appertaining to the arts or crafts and have been granted Patent rights by the Patent offices of their own country or by any foreign Government, the period of such Patent rights being unexpired, shall have the right, pending the enactment and promulgation of a Patent Law for China, to apply to the Ministry for temporary registration, further consideration and the action that may be due being reserved for such time as China shall have a formally promulgated Patent Law.

Articles of food or drink, drugs or articles for medical purposes, munitions of war or prohibited articles, must not form the subject of applications for registration.

2. Applications for registration shall be made on a form drawn up by the Ministry and to which shall be appended a subsidiary version in foreign writing for purposes of reference.

3. The Applicant shall enclose with his application the original Letters Patent or a copy, or a certificate issued by the Patent Office, as well as a printed description in full of the process involved in the invention, with designs etc.

If the application is made on behalf of another party, the certificate conferring authority to make it shall be enclosed.

4. Only a Certificate of Registration shall be issued in respect of articles or processes registered; there shall be no granting of actual Patent rights, But when eventually the Patent Law has been formally promulgated, the inventions registered will be given priority.

5. Each application shall be accompanied by an Application Fee of $2 and a Registration Fee of $10, the latter to be refunded on the application being rejected.

R E V I S E D
ARRANGEMENT FOR THE PROVISIONAL REGISTRATION OF PATENTS BY FOREIGNERS

TEMPORARY REGULATIONS

September 5th, 1927

Notice is hereby given that, in consideration of the necessity of making a revision of the "Arrangements for the Provisional Registration of Patents by Foreigners" announced and put in force on June 8th, 1927, by the defunct Ministry of Agriculture and Commerce, this Ministry has duly made such a revision and that a "Revised Arrangement for the Provisional Registration of Patents by Foreigners in Nine Articles" is hereby announced.

1. Treaty Power nationals who have invented industrial products or processes and have been granted patent rights by the Patent Office of their own country, or any other country, or have come into possession of such rights by inheritance or transfer, the period of said patent rights being unexpired, may apply, pending the enactment and promulgation of a Patent Law of China, to the Ministry of Industry for provisional registration, further consideration and such action as may be due being reserved for such time as China shall have a formally promulgated Patent Law.

2. Only a provisional registration receipt shall be issued in respect of articles or processes for which application of provisional registration has been made to, and sanctioned by, the Ministry of Industry, but no such registration shall be taken as equivalent to a grant of patent rights and its formal registration. However, when eventually

a Patent Law has been formally promulgated, the application for provisional registration shall be deemed as regards chronological priority to be equivalent to application for patent rights, in the case of application by post, the date of posting as shown by the stamp of the receiving post office being held to be the date of application.

3. The subject of provisional registration shall be of three categories, inventions patented, utility models and designs, and applicants shall be free to apply for provisional registration any category under which their original Letters Patents or other certificate, may belong.

However, articles of food or drink, drugs or articles for medical purposes, munitions of war or contraband articles, must not form subjects of application for provisional registration.

4. For each article in respect of which provisional registration is applied for, a letter of application must be drawn up in clear written Chinese in the form prescribed by the Ministry of Industry for letters of application, further or other documents being translated into Chinese and submitted to the Ministry of Industry together with the foreign language versions of the same documents.

5. The applicant shall submit with the application for provisional registration the original Letters Patents etc. or a duplicate copy, or a certificate issued by a Patent Office, as well as a full description, with figures, of the process of the manufacture involved to the Ministry of Industry for examination.

6. The applicant for provisional registration of a patent shall submit his certificate of nationality, or in the case of corporations etc. documentary evidence that the applicant is a juridical person.

7. The holder of a patent may transfer to another party his right of having such patent provisionally registered, which must be done over the signatures of both parties, and the deed or contract of transfer must be submitted, as an enclosure with the application, to the Ministry of Industry for sanction and record.

8. A party having no place of residence or of business in China may appoint a party having a place of residence or of business in China to act as his agent; applications for provisional patent registration made by agents shall be accompanied in each case by the power of attorney as an enclosure.

9. Application for the provisional patent registration or for transfer of such registration, shall be accompanied by the following fees.

	Application Fee	Provisional Registration Fee	Fee for Letter Notifying of Transfer of Provisional Registration Right.
	(Per Article)	(Per Article)	(Per Article)
Patent	$5	$20	$10
Utility Model	3	15	7
Design	2	10	5

The provisional registration fee shall be refunded in the event of an application being refused.

REGISTRATION OF CORPORATIONS, TRADE NAMES, TRADE MARKS AND MINING.

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On October 25, 1927, the Nationalist Government promulgated through the National Bureau of Registration, the Shanghai Office of which is situated at 98 Rue Massenet, the following ordinance relating to registration:

ORDINANCE RELATING TO REGISTRATION

National Bureau of Registration

(Promulgated by the Nationalist Government)

October 25, 1927.

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(1) All establishments engaged in trade under the jurisdiction of the Nationalist Government shall apply for registration in accordance with the law.

(2) Registration under this Ordinance shall be in the charge of the Nationalist Government Bureau of Registration.

(3) Registration shall be classified as follows:-

(a) Corporation Registration
(b) Trade Name Registration
(c) Trade Mark Registration
(d) Mining Registration

(4) All classes of registration mentioned in the preceding article shall be done by direct application to the Bureau of Registration for registration and certificate; except in the case of Trade Name Registration, which shall be done within a limited period of time with such officials of the Bureau as sent to the locality where the trading establishment concerned is found. But in the

latter case, any establishment whose capital is less than five hundred dollars shall be exempt from registration.

(5) Within three months from the day of promulgation of this Ordinance, all establishments having registered with the Peking Government prior to May of the Sixteenth year of the Republic, shall apply to the Nationalist Government Bureau of Registration for renewal of registration and certificate.

(6) Within three months from the day of promulgation of this Ordinance, all establishments having previously registered with any Provincial or Municipal Government, shall apply to the Nationalist Government Bureau of Registration for renewal of registration and certificate.

(7) Prior to the adoption of provisions by the Nationalist Government, all classes of registration as mentioned in Article 3 of this Ordinance shall be governed temporarily by the existing Laws on the respective subjects.

(8) The fees required for different classes of registration shall be the same as prescribed in the existing Laws, except the fee for Trade Name Registration which shall be fixed separately.

(9) The fees required for renewal of different classes of registration shall be one-third of the existing rates, except the fee for renewal of Trade Mark Registration which shall be one-fourth of the existing rate.

(10) Failure to apply for registration within the period prescribed in this Ordinance, shall be liable to punishment according to the provisions of the existing Laws.

(11) An Educational Surtax of three per cent. of the

registration fee shall be levied on all classes of registration.

(12) The By-Laws of the Bureau of Registration and Detailed Regulations relating to Enforcement of this Ordinance shall be drawn up separately.

(13) This Ordinance shall come into force from the day of promulgation.

Copies of this Ordinance together with the fees to be charged for registration under the four headings in Section 3, have recently been received by a number of local firms.

The fees to be charged under Section 3, are as follows:-

(1) Corporations.

(a) Unlimited Liability Companies.

Capital. $				Registration Fee. $
Under $5,000	... ...	...	... ...	10
5,000	and under	10,000	... ...	20
10,000	" "	30,000	... ...	30
30,000	" "	50,000	... ...	40
50,000	" "	100,000	... ...	50
100,000	" "	300,000	... ...	60
300,000	" "	500,000	... ...	80
500,000	" "	800,000	... ...	100
800,000	" "	1,000,000	... ...	120
1,000,000	" "	1,500,000	... ...	150
1,500,000	" "	2,000,000	... ...	200
2,000,000	" "	3,000,000	... ...	250
3,000,000	" "	4,000,000	... ...	300

Over $4,000,000 $50 per $1,000,000 or less

(b) Limited Liability Companies.

Capital. $				Registration Fee. $
Under $5,000	... ...	...	... ...	20
5,000	and under	10,000	... ...	40
10,000	" "	30,000	... ...	60
30,000	" "	50,000	... ...	80
50,000	" "	100,000	... ...	100
100,000	" "	300,000	... ...	120
300,000	" "	500,000	... ...	160
500,000	" "	800,000	... ...	200

(b) Limited Liability Companies(contd.)

Capital			Registration Fee.
$		$	$
Under 800,000	and under	1,000,000	240
1,000,000	" "	1,500,000	300
1,500,000	" "	2,000,000	400
2,000,000	" ""	3,000,000	500
3,000,000	" "	4,000,000	600

Over $4,000,000 $50 per $1,000,000 or less

(2) Trade Names.

Capital			
$		$	$
From $ 1,000	and under	5,000	10
5,000	" "	10,000	20
10,000	" "	30,000	30
30,000	" "	50,000	40
50,000	" "	100,000	50
100,000	" "	300,000	60
300,000	" "	500,000	80

Over $50,000: same as Unlimited Liability Companies.

(3) Trade Marks.

Trade Marks already registered by the Bureau of Trade Marks to be registered at the National Bureau of Registration:-

		$
(a)	Certificate of Registration	10
(b)	Application for right to use a trade mark	40
(c)	Transfer of user	
	(a) (?)	20
	(b) (?)	10
(d)	Cancellation or alteration of trade mark	2
(e)	Registration fee	5
(f)	Change of name of owner	5
(g)	Issue of Second Certificate	3
(h)	Application for extension of period ...	5
(i)	Certificate of extention	10
(j)	Application for criticism	15
(k)	Granting of criticism	15
(l)	Application for second criticism	3
(m)	Application for re-criticism	5
(n)	Application for copy of judgment	1

Mining.

(a) Coal Mines

		$
1.	Area of not more than 50 mow	$20
2.	50 and under 100 mow	40
3.	100 and under 200 mow	60
4.	200 and under 370 mow	80

Other Mines.

Area under 20 mow	... ...	$ 20
20 and under 30 mow	... ...	40
30 and under 40 mow	... ...	60
40 and under 50 mow	... ...	80

Other Fees.

In addition to the above there is an education fee of $3 and a public fee of $5, but neither of these is clearly defined.

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ABOLITION OF LIKIN.

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The following Manifesto "enforcing the abolition of 'Likin' and the increase of import duties" was issued by the Nanking Government in August 1928:-

"Beginning September 1 all kinds of 'likin' will be abolished and import duties will be increased. Together with the current rate of 5%, ordinary articles will be taxed an additional 7.5%, for "A" class luxuries an additional 15%, "B" class an additional 20%, and "C" class an additional 57.5%. After the enforcement of the new rates, the existing 2.5% surtax for imported goods and extra taxes on luxuries will be cancelled.

"Beginning September 1, taxation will be required of all factory products, the rates of which will be the same as the import duties. In case the raw material has already been taxed at the time of importing, the money will be refunded. Factory products are not liable to re-taxation or 'likin' within Chinese territories."

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PROVISIONAL REGULATIONS IN REGARD TO STAMP TAXES LEVIED BY THE NATIONALIST GOVERNMENT

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The following is a translation of the text of the Provisional Regulations promulgated by the Nationalist Government at the end of 1927 governing the proposed stamp taxes:-

Article 1. To contracts, accounts, books and certificates as enumerated in these regulations and to the special articles in Class 4, stamps shall be affixed in accordance with the regulations in order that they may become valid evidence.

Article 2. The articles mentioned in Article 1, are to be divided into four classes, and the rates of the taxes shall be regulated as follows :-

CLASS A.

Nos. 1 to 7 - One Cent.

1. Invoices.
2. Warehouse receipts, and receipts issued against documents.
3. Contracts of hire and rent of articles.
4. Mortgage deeds or certificates of pledges and securities.
5. Contracts of lease of farm lands.
6. Pawn tickets of value exceeding $4.
7. Contracts of employment.

Nos. 8 to 13

Value of Article.	Rate of Tax.
From $1.00 to $10.00 ...	One-cent stamp.
From $10.00 upwards ...	Two-cent stamp.

8. Certificates against goods issued by shops.
9. Contracts of lease and transfer of shops.
10. Certificates of sales and orders for goods.
11. Contracts of lease and rent of houses and rent receipt.
12. Contracts of all kinds of business undertakings.
13. Receipts for money paid.

Nos. 14 and 15 - 10 cents per annum.

14. Cheque books, and pass books.
15. Account books (all kinds).

CLASS B.

1. Bills of lading.
2. All kinds of tenders.
3. Insurance policies.
4. Certificates of guarantee.
5. Certificates for deposits of money.
6. Certificates of stocks and shares.
7. Exchange receipts.
8. Money orders.
9. Bank cheques and native exchange shop cheques of similar nature.

10. Certificates of legacies and inherited properties.
11. I.O.U's or receipts against money loans.
12. Contracts or articles of association of shops and companies for joint business undertakings with joint capital.
13. Contracts for sales and mortgages for real properties.
14. Certificates of purchases of government properties.

Of the 14 kinds of articles enumerated above, the rates of the taxes shall be regulated according to the value of the articles as follows :-

Value of Articles.			Rate of Tax.
From	$1	to $10	One-cent stamp.
"	10	" 100	Two-cent stamp.
"	100	" 500	Four-cent stamp.
"	500	" 1,000	Ten-cent stamp.
"	1,000	" 5,000	Twenty-cent stamp.
"	5,000	" 10,000	Fifty-cent stamp.
"	10,000	" 50,000	$1.50 stamp.

No proportionate additional tax will be levied for any sum above $50,000.

CLASS C.

	$
1. Passport to foreign countries for travel	2.00
2. Passport to foreign countries for study	1.00
3. Passport for inland travel in China....	1.00
4. Passport to foreign countries as labourer....	1.30
5. Huchou, luggage	1.00
6. Huchou, for bullion transportation	1.00
7. Complimentary passport.	
8. Tszekow bills and Sun-lia bills Certificate Taxes	1.50
9. Certificate of qualification for civil service officials	1.00
10. Certificate of qualification for higher officials	2.00
11. Diploma issued by colleges and universities..	0.50
12. Certificate of attendance in college and university, and certificate of transfer	0.10
13. Diploma issued by High Schools	0.30
14. Certificate of attendance at high schools and certificate of transfer	0.40
15. Certificate of attendance at colleges and universities in foreign countries	1.00
16. Certificates of qualification to teach in primary schools	0.40
17. Certificates of records of teachers,qualified by examination	
18. Licence to practise medicine	1.00
19. Interpreter's Certificate	0.50
20. Statement for application of Chinese citizenship and letter of guarantee....	0.50
21. Petition for Chinese citizenship	1.00
22, Certificate of Chinese citizenship	2.00
23. Certificate to send press telegrams....	1.00
24. Petition to government offices	0.10
25. Marriage licence	0.40

26. Title deeds, which shall be taxed according to the number of mow of land :-

Number of "Mows" of Land.	Rate of Taxes.
Below 5 mows	Three-cent stamp.
From 5 to 10 mows	Six-cent stamp.
From 10 to 50 mows	Thirty-cent stamp.

27. Receipts of savings issued by Savings Societies 0.01
28. Personal bonds 0.10
29. Contract of suretyship and guarantee 0.20
30. Licence for business enterprises containing electrical and steam machinery, and for companies engaged in steamship navigation, and sales of motor-cars and bicycles. The rates of the taxes for these licences shall be divided into three grades (A. B. and C.) according to the capital :-

Capital.	Rate of Taxes.
From $10,000 up	A. $3.00 stamp
From $5,000 to $10,000	B. $2.00 stamp
Below $5,000	C. $1.00 stamp

31. Licence for steamships, motor-boats and motor-cars :-
    Value above $1,000 .... 2.00
    Value below $1,000 .... 1.00
    Bicycles 0.20
32. All kinds of business licences. The rates of the taxes shall be fixed according to the [illegible] capital, and is divided into seven grades, i.e., A, B, C, D, E, F, G.:-

Capital.	Grade	Rate of Tax.
Above $50,000	A.	$2.00
From-		
$10,000 and below $50,000	B.	1,00
5,000 " 10,000	C.	0.50
1,000 " 5,000	D.	0.20
500 " 1,000	E.	0.10
100 " 500	F.	0.04
100	G.	0.02

33. Licence for hotels and inns:-
    Capital of $5,000 .... $2.00
    Capital above $1,000 and below $5,000 .... 1.00
    Capital below $1,000 .... 0.50
34. Special permit to recruit labourers 4.00
35. Kicksha licence 0.10
36. Private ricksha licence 0.30
37. Licence for sedan-chairs and carriages 1.00
38 Licence for trucks, carts and lighters 0.20
    (Wheelbarrows are exempt from taxation)
39. Licence for sing-song girl houses:-
    Grade A. $3.00
    Grade B. 2.00
    Grade C. 1.00
40. Licence for small boats and craft for transportation of commercial commodities 0.10
41. Licence to open mines. (The rate of the taxes shall be fixed according to the numbers of mows of the mine ares):-

Number of Mows	Rate of Taxes.
Below 50 mows	$2.00
Above 50 mows and below 100 mows	$5.00
For every 100 mows	Additional $5.00

42. Licence for wine and tobacco business:-
    Grade A. $1.00
    Grade B. 0.50
    Grade C. 0.20
    Grade D. 0.10
43. Permit for inland transportation of cigarettes and foreign wines 0.40
44. Special permit to engage in particular trades (Hong Tieh):-
    Grade A. 2.00
    Grade B. 1.00
    Grade C. 0.50
45. Theatres and amusement houses:-
    Ticket valued over $0.50 .... 0.02
46. Ticket for calling sing-song girls 0.10

CLASS D.

1. Foreign wines (30 per cent ad valorem).
    For every hundred catties $12.00
2. Soda-water (imported):-
    Per dozen bottles .... two cents
    Per half dozen bottles .... one cent
3. Soda-water of native manufacture:-
    Per dozen bottles .... one cent
    Per half dozen bottles .... half a cent.
4. Fire-works. (20 per cent ad valorem).

ARTICLE 3.- On government documents, contracts accounts and certificates, no stamp tax shall be levied; but for government papers of a business nature, the above regulations shall be enforced as in other cases.

ARTICLE 4.- Stamps shall be affixed to all other kind of documents according to the above regulations before transaction or delivery; the stamp affixed shall at the same time be "chopped" by seal.

ARTICLE 5.- Articles, liable to stamp tax and to which stamps are found not to have been affixed or when they are affixed thereto, are not properly chopped or signed, a fine not less than $10.00 and not exceeding $100.00 shall be imposed for each case. In case of insufficiency of stamps, a fine not less than $5.00 and not exceeding $50.00 shall be imposed, but all mitigating circumstances shall be taken into consideration.

ARTICLE 6.- The colours of the stamps, except those for articles specified in Calss 4 which are to be designed separately, shall be as follows:-
    one-cent stamp(brown) .... 50-cent stamp(violet)
    two-cent stamp(green) .... one-dollar stamp(blue)
    ten-cent stamp (red)

ARTICLE 7.-Stamps once affixed and chopped, shall not be used again; the violation of this article shall be punishable by a fine not less than $10.00 and not exceeding $100.00.

ARTICLE 8.- Forging and counterfeiting stamps shall be punishable according to the articles of the Criminal Code governing forging and counterfeiting bank notes.

ARTICLE 9.- These regulations shall become operative from the date of their promulgation.

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PROPOSED REGULATIONS GOVERNING THE SPECIAL CONSUMPTION TAX

The following is a translation of a set of proposed regulations governing the newly projected Special Consumption Tax, promulgated and passed at the conference on Likin Abolition in Nanking by special delegates of the Five Provinces of Kiangsu, Anhwei, Fukien, Chekiang and Kiangsi, on December 18th, 1928. It is to be noted that the new tax is designed to take place of likin upon its abolition.

GENERAL

Art. 1. The Special Consumption Tax shall be applied in accordance with the following regulations on those commodities which are designated by the Ministry of Finance as to be taxed under the Special Consumption Tax.

Art. 2. The following shall constitute bulk of commodities dutiable under the Special Consumption Tax. Sugar; Knitted articles; Factory products; Oil; Tea; Paper; Tin foil; Sea food; Timber; Porcelain; Live stocks (except ploughing cattles and domestic fowls); Drugs; Varnish; Hide, furs and feathers; Mineral products (tax directly at the mine may be placed); Cocoons; Raw silk; Soya beans; Cotton.

Further classification of the mentioned commodities, except sugar, knitted articles and factory products, the collection of taxes of which shall directly be made by the Ministry of Finance under a separate set of

regulations, shall be clearly made by various provincial Governments into luxuries, semi-luxuries and daily necessaries. The classification shall be approved by the Ministry of Finance before put into effect.

Art. 3. The rates of the Special Consumption Tax shall be fixed as follows:

Luxuries - from 12.5% to 17.5%. Semi-luxuries - from 7.5% to 10%. Daily necessaries - from 2.5% to 0.5%.

No surtaxes of whatever kind shall be levied on commodities already taxed for Special Consumption.

Art. 4. To avoid double taxation on commodities subject to Special Consumption Tax, refunding or exemption shall be made of the original tax, that is, tax on raw material rather than tax on finished products, as, for example,

(a) Tax on cocoons will be refunded when a tax on silk is placed.

(b) Tax on silk will be refunded when a tax on silk piece goods is placed.

(c) Tax on cotton will be refunded when a tax on cotton yarn is placed.

(d) Tax on soy beans will be refunded when a tax on bean oil is placed.

Art. 5. In case commodities subject to Special Consumption Tax are considered by the Ministries of Finance and of Industry, Commerce and Labour as worthy of encouragement and promotion, an award may be given by the said Ministries in the form of fund or of exemption of duties when exported to foreign countries. The detailed regulations governing such exemptions and awards will be promulgated under a separate set by the said Ministries.

Collection Offices

Art. 6. The Special Consumption Tax shall be managed

and collected by the offices of the Special Financial Deouty, located in various provinces.

Art. 7. Collection of taxes on commodities of small quantity, located in a same district and possessing a similar nature and a /similar collection process is to be made by one collection office only. The location of the collection office, preferably in an industrial or shipping district, shall be chosen by the Special Deputy with the approval of the Ministry of Finance. Separate collection offices for separate commodities in one locality are to be established only when the nature and the quantity of the commodities warrant them but they shall not possess the nature of the old likin collection offices.

Art. 8. The Offices of the Special Deputy of various provinces shall submit monthly reports to the Ministries of Finance and of Industry, Commerce and Labour, and issue public statements on the amounts of the tax collected, the kind, price and quantity of the commodities taxed, the amount of the refunded tax (Art. 4) and promotion awards (Art. 5). The amounts received by the collection offices shall be duly surrendered to the Ministry of Finance from time to time.

Collection Process and Penal Regulations

Art. 9. When convenience permits, the Special Consumption Tax shall be levied once for all, i.e. including both the production and consumption taxes; otherwise the tax shall be levied in two equal instalments, one on production and the other on consumption. The detailed regulations governing such separate levies shall be promulgated by the

Special Deputies of various provinces with the approval of the Ministry of Finance.

Art. 10. No other duties of whatever kind shall be levied on commodities already taxed for Special Consumption.

Art. 11. The collection offices shall constantly direct their attention to the tax-paying commodities with regard to their amount of output and consumption in their respective districts.

Art. 12. Penalties shall be imposed on the taxpayers who try to evade the Special Consumption Tax or resort to smuggling. The detailed penal provisions shall be promulgated under a separate code.

Duty-paid and Transit Certificates

Art. 13. The duty-paid certificate shall be composed of four copies, and designed by the Ministry of Finance. All copies shall be distributed by the offices of the Special Deputy of various provinces to their respective collection offices. The first copy of the certificate shall be compiled and sent to the Ministry of Finance at the end of each month. The second copy shall be kept by the Office of the Special Deputy. The third copy shall be issued to the taxpayer. The fourth and the last copy shall be kept in the collection office.

Art. 14. The transit certificate shall be composed of three copies, and also designed by the Ministry of Finance. Similarly, all copies shall be distributed through the offices of the Special Deputy of different provinces to their respective collection offices. The first copy shall be compiled and sent to the Office of the Special Deputy at the end of each month. The second copy shall be

issued to the taxpayer. The third and the last copy shall be kept in the collection office. In case a re-transit certificate is required, the re-transit process shall be formulated by the Special Deputies with the approval of the Ministry of Finance.

Art. 15. Before transhipment of the commodities, the taxpayers shall apply for transit certificates from the nearest collection office by presenting duty paid certificates. If the commodities are to be sold locally, then only duty-paid certificates shall be issued.

Accusations and Complaints

Art. 16. The taxpayers shall be allowed to make accusations and complaints when unlawful acts or over-valuations of commodities have been committed by the collection office. The regulations governing accusations shall be promulgated by the Ministry of Finance.

Annex

Art. 17. Other detailed regulations governing the enforcement of the above regulations shall be promulgated by the Ministry of Finance.

Art. 18. The Regulations of the Special Consumption Tax shall take effect as from the date of promulgation.

REVENUE STAMPS FOR PERFUMERY

PROVISIONAL REGULATIONS

January, 1929

1. Any Perfumery, either manufactured by this country or other foreign countries, must be stamped in accordance with these regulations.

2. Following named goods are called Perfumery:-

(a) Different kinds of toilet water, powder, soap, shaving soap, cream, dental cream, dental powder, bathing powder, face powder, hair lotion, hair cream, hair oil and hair tonic.

(b) Any other perfumery for hair, mouth, teeth and skin.

3. The Special Revenue Stamps for Perfumery are as follows:-

(a) One cent stamp on perfumery the value of which is not over 30 cents; free if the value is under 5 cents.

(b) Two cent stamp on perfumery the value of which is over 50 cents.

(c) Five cent stamp on perfumery the value of which is not over $1.00.

(d) 10 cent stamp on perfumery the value of which is $1.00 and does not exceed $3.00.

(e) 15 cent stamp put on perfumery the value of which is $3.00 and does not exceed $5.00.

(f) 20 cent stamp on perfumery over $5.00.

For the above D.E.F. any amount after decimal point under 10 cents will be calculated as 10 cents.

4. Perfumery merchants must write the value of packets, cartons etc. containing perfumery. Stamps must be obtained at local offices. Stamps must be securely pasted and "chopped" on bottles, cartons etc.

5. Samples the contents of which must not exceed 10 per cent of their smallest selling size, are free from taxation.

6. Revenue Stamp Offices have the power to send members of their staffs to examine perfumery factories and check books if necessary.

7. Paragraphs Nos. 5, 7 and 8 of the Regulations Governing Revenue Stamps can be used for this Regulation.

8. This Special Revenue Stamp for Perfumery is collected by Revenue Stamp Offices in all provinces.

9. This Regulation may be revised at any time.

10. This Regulation becomes effective from the date of publication.

January 16th, 1928.

TOBACCO TAXES.

Revised Regulations.

The following is a translation of the revised regulations governing the collection of tobacco taxes promulgated by the Nationalist Government upon the petition of the Ministry of Finance on January 27, 1927:-

1. All cigarettes and other tobacco products, with the exception of native tobacco leaves, shall be liable to taxation as determined by these regulations.

2. The tobacco tax shall be classified as Central Government revenue and shall be made collectable by the National Tobacco Tax Bureau to be established at a convenient locality by the Ministry of Finance. All necessary provincial branch offices shall be planned and established by the National Tobacco Tax Bureau with the approval of the Ministry. All matters relating to examination and prevention of smuggling shall be attended to by the National Bureau.

3. A tax of 20 per cent of the assessed value, by the Customs, shall be payable on all imported cigarettes and other tobacco products, in addition to the regular import duty of 2½ per cent. surtaxes. A tax of 22.5 per cent. of the assessed value, by the Customs, i.e.$22.50 on every $100 worth of tobacco products, shall be collected on all native manufactured tobacco products. The required taxes and duties having been paid, all cigarettes and tobacco products, shall be allowed to be transhipped throughout the country without being liable to further taxation.

4. With rggard to the stamp tax on cigarettes, the tax office of a particular locality concerned shall appoint officers to be stationed at the factories and supervise the affixing of the stamps, whether the factories be within or without the Foreign Settlements and French Roads. Stamps shall be affixed on all packages and boxes on the market and all merchandise found without the stamps shall be classified as smuggled goods and be treated accordingly.

5. With reference to matters incidental to investigation and prevention of smuggling, the Ministry of Finance shall instruct its several and different organs in charge to co-operate with the various provinvial and municipal governments, as well as the military and the police authorities or each particular locality.

6. Regulations governing the management of cigarette and rolled tobacco businesses shall be drawn up separately.

7. All other matters not coming under these regulations shall be provided for by separate ordinances of the Ministry of Finance.

8. These regulations shall take effect from the date of their promulgation.

TAX ON MACHINE - MADE FLOUR.

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The following notification was issued on June 28, 1928, over the signature of Chai Sze-Yee:-

Machine-Made Flour Tax Administration.

The public is hereby notified that an order was received from the Ministry of Finance that a special tax on all machine-made flour at the rate of 5 per cent. (i.e. 10 cents Mex. on each bag) shall be levied. According to the said order, I shall collect the said tax on all machine-made flour on and after July 1, 1928.

The head office is at 198 Seymour Road, Shanghai. The Revenue office and the Customs collection are both at 3 Hankow Road, Shanghai.

Chai Sze-Yee

Director.

The tax is levied on imported and locally manufactured flour. In the case of local produce, exemption certificates will be issued against further taxation. Half the tax will be refunded on local manufactures exported abroad.

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PROVISIONAL REGULATIONS GOVERNING TAX ON FOREIGN LIQUOR

The following is a translation of the provisional regulations promulgated July 1st by the Ministry of Finance governing the tax on foreign liquor:

Art. 1. The Foreign Liquor Tax shall be levied in accordance with the following regulations on all kinds of liquors and alcoholic drinks to be consumed in this country irrespective of whether they are imported from foreign countries or manufactured in China.

Art. 2. The Foreign Liquor Tax shall be collected by the Administrative Bureaux for Tobacco and Liquor Taxes to be established in various provinces.

Art. 3. The rate shall be fixed at 30 per cent ad valorem; while that for alcohol, $20 per 100 catties. The above-mentioned rates shall be revised once a year, and the new rates shall be recommended by the Bureaux to be put into effect following their approval by the Ministry of Finance.

Art. 4. The Foreign Liquor Tax shall be levied upon all dealers whose businesses are operated on wholesale, retail or consignment basis. The tax, which is collected direct from dealers or indirect from consumers, shall be kept in the custody of the respective Bureaux of the various provinces in which the said dealers are located.

Art. 5. Upon payment of duty, certificates in the form of long slips shall be issued to the dealers. And these certificates, which are to be printed by the Ministry of Finance, shall be nine denominations, namely: $0.01, $0.02, $0.03, $0.05, $0.10, $0.20, $0.30, $0, 50 and $1.

They shall be issued by the Administrative Bureaux for Liquor and Tobacco Taxes or by authorised agents. The detailed regulations governing the granting to stores of the right to issue such certificates shall be proposed by the various Bureaux for promulgation after their ratification by the Ministry.

Art. 6. No uncertificated foreign liquor shall be placed on the market for sale.

Art. 7. No other taxes shall be levied on liquor that bears the aforesaid certificates even when it is meant for the interior market of China.

Art. 8. Imported liquors excepted, the domestic product, be it manufactured by Chinese or foreigners shall be kept in standard vessels with a minimum capacity of one catty and with mouths that can be easily sealed. Any fraction of a catty shall count as one, and no uncertificated vessel shall be opened for retail purposes.

Art. 9. To those found guilty of violating the above regulations shall be meted out heavy fines. The detailed regulations governing the enforcement of the aforesaid pecuniary penalties shall be promulgated under a separate code.

Art. 10. The dealers in foreign liquor, be it operated on wholesale, retail or consignment basis, shall keep the following set of books for inspection: (1) the purchase book, (2) the sales book, (3) the stock register book and (4) the purchase voucher book.

Art. 11 The detailed laws governing the enforcement of these regulations shall be promulgated by the various

provincial Bureaux upon approval by the Ministry.

Art. 12 The above regulations are subject to change without notice.

Art. 13. The above regulations shall come into effect as from the date of promulgation (They are promulgated on July 1st, 1929).

REGULATIONS GOVERNING COTTON TESTING

April 1929.

The following is a translation of the regulations promulgated by the Shanghai Bureau of Inspection and Testing of Commercial Commodities, Ministry of Industry, Commerce and Labour, to govern testing of cotton for export from the port of Shanghai.

Art. 1. The following regulations are drawn in accordance with the provisions made in Section 2, Article III and Article VII of the Provisional Regulations Governing the Inspection and Testing of Exports, and in Article IX of the Provisional Regulations Governing the Organisation of the Bureau of Inspection and Testing of Exports.

Art. 2. The present regulations shall be applied to export cotton from the port of Shanghai and official certificates issued for the same before it is allowed passage through the Customs.

Art. 3. Cotton consumed by the cotton mills or transacted among the cotton merchants within the Special Municipality of Greater Shanghai or its vicinity may also be inspected upon application of the mills or merchants.

Art. 4. The standard for moisture content shall be set at 12 per cent and the maximum moisture content allowable for certification, at 15 per cent. Cotton containing more than 15 per cent moisture, or adulterated with other foreign matters shall not be certified or allowed to pass through the Customs.

Art. 5. Merchants applying for inspection shall file

with the Bureau information including the name and address, trade-mark, number of bales, quality, place of production, name and location of the warehouse, date of shipping and the port of destination. Testing of samples shall take place only upon presentation of application together with payment of inspection fee.

Art. 6. Collection of samples for testing shall be made as follows:

(1) From every 100 piculs of cotton packed in cloth of mattings, four tubes not exceeding one pound each shall be taken for test, and any fraction of 100 piculs shall count as 100.

(2) For press packed bales, four bales shall be opened out of every 100 bales and four tubes of samples each not exceeding 2 pounds shall be taken for test. Any fraction of 100 bales shall count as 100 bales.

(3) The officers of the Bureau shall have full power to designate bags or bales from which samples are to be collected.

(4) The bags or bales from which samples are collected shall be stamped by the officers in charge for identification.

(5) Samples shall be collected according to the above specified amounts. Applicants may freely report to the Bureau for any violation of rules on the part of officers in charge who when found guilty shall be duly punished.

(6) Samples upon being collected from the bales or bags, shall be put into tubes and sealed with wax immediately.

Art. 7. The order of testing shall be arranged according to the order of application. Testing shall be completed within two days after the date of collection of samples with the exception of Sundays and holidays.

Art. 8. Certificates bearing the signatures of the Head of the Testing Department and the Director of the

Bureau shall be issued for cotton found to conform with the standard. For cotton found to be below the standard, a statement to that effect shall be signed by the Head of the Testing Department and countersigned by the officer in charge.

Art. 9. Certificates issued by the Bureau shall be valid within one month only after the date of issue, but for special and satisfactory reasons an extension of one month may be granted upon application.

Art. 10. Merchants desiring re-testing shall apply to the Bureau within three days after completion of the first testing. Only one re-testing shall be granted and no charge shall be made for such.

Art. 11. Re-testing shall be made on new samples.

Art. 12. The inspection fees shall be fixed as follows: Export cotton as specified in Article 2, $0.06 per 100 catties; non-export cotton as specified in Article 3, $0.02 per 100 catties. No inspection fees shall be refunded no matter whether certificate is granted or not.

Art. 13. Merchants desiring to increase the size of the bales after certification shall submit to the Bureau reasons for re-baling together with inspection certificates formerly granted. New certificates shall be issued after thorough investigation and supervision of re-baling by the officers of the Bureau.

Art. 14. Merchants found committing act of bribery during testing or altering certificate after testing or officers of the Bureau found receiving bribery or negligent in duties shall be punished duly according to law

Art. 15. Merchants found illegitimately substituting goods after testing or altering on the certificate figures of quantities tested shall be liable to a fine of not exceeding $300.

Art. 16. Cotton certified by the Bureau of Inspection and Testing of Commercial Commodities of the Ministry of Industry, Commerce and Labour at other ports, but to be exported from the port of Shanghai within one month after certification by the respective Bureaux shall be subject to re-testing by the Shanghai Bureau and new certificates shall be issued by the Shanghai Bureau when requirements are successfully met. Cotton failing to pass re-testing shall not be allowed export. No fees shall be charged for re-testing and samples for re-testing shall be one-half of the amounts specified in Article 6.

Art. 17. The present regulations are subject to change without notice.

Art. 18. The present regulations shall take effect on the date of promulgation by the Ministry of Industry, Commerce and Labour.

REGULATIONS GOVERNING THE EXAMINATION OF AGRICULTURAL PRODUCTS

(Registered with the Executive Council on December 5th, 1928, promulgated and enforced by the Ministry for Agriculture and Mining)

Article 1. In order to preserve confidence in and the value of agricultural products, to prevent the influx of harmful insects, and to ascertain the quality of fertilisers, a Bureau for the Examination of Agricultural Products has been established by the Ministry for Agriculture and Mining.

Article 2. The Bureau for the Examination of Agricultural Products consists of the following departments:

First Department - in charge of correspondence and general affairs.

Second Department - in charge of the examination of materials for agricultural products

Third Department - in charge of the examination of harmful insects in the seeds of plants

Fourth Department - in charge of the examination of fertilizers.

Article 3. The staff of the Bureau for the Examination of Agricultural Products consists of a Chief, an Assistant Chief, four Department Heads and a certain number of experts andclerks. A certain number of assistant clerks may be employed by each Department according to the amount of work.

Article 4. In view of the processes necessary for the examination, the Bureau for the Examination of Agricultural Products may collect from the applicant an examination fee of 2%. The income from this examination fee should be appropriated entirely for the relief of farmers.

Article 5. Application for examination should be made by those who desire to import or export a shipment of agricultural products. In the event of smuggling for sale without first applying for examination, a fine of more than 20% of

RULES FOR THE ENFORCEMENT OF THE REGULATIONS GOVERNING THE EXAMINATION OF AGRICULTURAL PRODUCTS

Article 1. When materials for agricultural products, young of animals, plant seeds and field fertilizers are imported to or exported from a city or port, the merchant doing so should apply for examination to the Bureau for the Examination of Agricultural Products.

Application should also be made to the said Bureau for the examination of any such agricultural products as mentioned above in any district within the country.

Article 2. The following materials for agricultural products, young of animals, plant seeds and field fertilizers are subject to examination:

General agricultural products
Special agricultural products
Silk, flowers, fruits, vegetables etc.
Animals and plants on land and their products
Animals and plants on sea and their products
Manufactured articles from agricultural products
All kinds of seeds, and shoots of grain
Artificial or natural field fertilizers.

Article 3. The examination fee collected in accordance with the provision in Article 4 of the Regulations Governing the Examination of Agricultural Products may be calculated with the value set forth on the transit pass as a basis.

Article 4. The Bureau for the Examination of Agricultural Products should, within twenty-four hours after the receipt of an application, detail certain officers accompanied by policemen to the place to extract one or several articles from the whole lot of goods and have them examined.

Article 5. Any goods which should be analysed or subject to some other processes, may be brought back to the Bureau for the purpose.

Article 6. All goods which have been found to be qualified by an examination should have a chop affixed by the Bureau for the Examination of Agricultural Products.

Article 7. Certificates of examination are to be issued by

the Ministry for Agriculture and Mining, in two correlated forms - one to be handed to the merchants and the other to be submitted to the Ministry for file.

Article 8. The receipt for examination fee is in three correlated fôrms - (1) to be handed to the merchant, (2) to be submitted to the Ministry, and (3) for file at this office.

Article 9. The Bureau for the Examination of Agricultural Products should keep record of all matters of examination.

Article 10. In order to facilitate mercantile transportation, this Bureau for the Examination of Agricultural Products may issue a provisional certificate of examination before practical examination is effected. This certificate will be null and void when the results are found to be not up to standard after examination

Article 11 The applicant should be responsible for all freight and transportation charges incurred during the examination.

Article 12. Any goods found by examination to be unqualified may be prohibited to be sold, be disinfected, or, when necessary, be ordered to be destroyed by fire or to be thrown away. Before a shipment of specimen of bacteria, harmful insects, etc. for scientific purposes may be imported, a permit should be obtained beforehand from the Ministry for Agriculture and Mining and should be presented for examination when the shipment arrives.

Article 13. The Bureau for the Examination of Agricultural Products may enact separate regulations for the examination of the various kinds of articles and submit them to the Ministry for approval.

Article 14. These Rules will be enforced from the date of their being promulgated.

PROVISIONAL REGULATIONS FOR THE EXAMINATION OF FIELD FERTILIZERS, ENACTED BY THE BUREAU FOR THE EXAMINATION OF AGRICULTURAL PRODUCTS

Article 1 Field fertilizers, either imported or manufactured within the country, are subject to examination and analysis by this Bureau in accordance with the Regulations Governing the Examination of Agricultural Products.

Article 2 Anybody desiring to transport a certain field fertilizer should fill an application form prescribed by this Bureau, which should be submitted to this Bureau together with a photograph showing the manner in which the fertilizer is packed and an examination fee. This Bureau will then detaila. certain offcer to the godown to extract some samples and bring them back for analysis.

Article 3. A license permitting its sale will be issued by this Bureau for any fertilizer which has been found, as the result of an analysis, to be advantageous to agricultural products.

Article 4. In order to facilitate mercantile transportation, a provisional certificate of examination of field fertilizer may be issued by this Bureau before a fertilizer is analysed. But the certificate will be null and void if the sale of the fertilizer is not permitted as the result of the analysis.

Article 5. At any time when a shipment of a certain brand of fertilizer which has been approved is arrived, the merchant should, bringing with him the transit pass, come to this Bureau and apply for a provisional certificate of examination of field fertilizer.

Article 6. No additional fee will be charged for any provisional certificate of examination of field fertilizer issued by this Bureau.

Article 7. The merchant cannot demand the refund of examination fee when the sale of a certain fertilizer is not deemed permissible by this Bureau as the result of an analysis.

Article 8. When the materials of a fertilizer have been examined, an application for examination is still required if a change in the way of packing or a new composition is desired.

Article 9. The applicant should be a witness when samples are extracted by this Bureau. Several packages should be extracted from the whole lot of goods required to be examined. After these packages are mixed, they will be put into four bottles, one of which will be taken to the Bureau for analysis. The remaining three bottles will be sealed by both parties - one kept by the merchant and the other two kept respectively by the Ministry and the Bureau ready for a second examination.

The sample extracted from each package should not be more than half a pound.

Article 10. Samples are extracted by brass tubes inserted into the original packages

Article 11. The method of analysis adopted by this Bureau is based upon the "Official and Tentative Method of Analysis" promulgated by the American Association of Agricultural and Chemical Staffs.

Article 12 If the result of an analysis made by this Bureau disagrees with the components reported by the applicant as much as more than 1 per cent, or if the fertilizer is found to be composed of injurious constituents, this Bureau may take appropriate action thereanent.

Article 13. After a certain fertilizer has been examined, this Bureau may at any time detail an officer to the godown or to a godown or to the retailers in the interior and extract samples for analysis.

Article 14. The provisions in these regulations are applicable to those engaged in the manufacture of field fertilisers within the country.

Article 15. Applications for the examination of field fertilizers manufactured within the country should be made before they are delivered from the factory for sale.

Article 16. This Bureau may at any time detail officers to the factories of field fertilizers within the country for the purpose of effecting an examination, giving advices or making adjustments.

Article 17. A farmer who applies for a second analysis of a certain field fertilizer which he bought, should pay a fee of $10.

Article 18 Any application for a second analysis should be brought to the notice of the original dealer by the applicant. The presence of the former is necessary at the time of such analysis.

Article 19. The same method as that provided for the first analysis may be adopted in extracting samples for the second analysis. But a selection of certain samples for the purpose may be made with the consent of both parties.

Article 20. If it is discovered that some other articles are secretly substituted for the fertilizers already analysed by this Bureau, or that impure materials are mixed therein with the intention to increase the weight, the merchant should, besides subjecting to a consfication of his counterfeit goods, be fined according to the provisions in Article 5 of the Regulations Governing the Examination of Agricultural Products.

Any defacement of certificates or forgery of seals should be dealt with in the same way.

Article 21 Any revision of these regulations in order to meet the needs may be submitted at any time to the Ministry for Agriculture and Mining for approval.

Article 22 These regulations will be enforced on and after the date of their being approved by the Ministry for Agriculture and Mining.

FORM OF APPLICATION MADE BY MERCHANT

No._____

Date of application

Firm Name and Address

Name of Goods

Trademark

Place of Production

Quantity of Goods

Value of Goods — Value per piece / Total Value

Number on Transit Pass

Disposition

Chemical component

Place where the goods are now stored

Means of Packing

Remarks

Signature of applicant

(N.B. The transit pass should be presented with this application).

FORM OF PROVISIONAL CERTIFICATE FOR THE EXAMINATION OF FIELD FERTILIZERS

No._____

BUREAU FOR THE EXAMINATION OF AGRICULTURAL PRODUCTS UNDER THE DIRECT CONTROL OF THE MINISTRY FOR AGRICULTURE AND MINING

PROVISIONAL CERTIFICATE FOR THE EXAMINATION OF FIELD FERTILIZERS

Upon an application made by _____ a _____ merchant, for the examination of a shipment of field fertilizer, this Bureau has extracted certain samples therefrom for the purpose of making an analysis. The goods are allowed to be delivered and stored temporarily in the local godowns, pending the issuance of a licence after they have been found by analysis to be qualified, when they will be allowed to be sold.

This provisional certificate is issued for the following goods:

Names of Goods:_____

Trademark: _____

Quantity of Goods: _____

(Date)_____

This certificate should be presented for cancellation within _____ days.

FORM OF CERTIFICATE OF EXAMINATION

Character Fa, No._____

To_____

CERTIFICATE NO._____
Issued by the
BUREAU FOR THE EXAMINATION OF FIELD FERTILIZERS
under the direct control of the
MINISTRY FOR AGRICULTURE AND MINING

This is to certify that the following fertilizers imported by _____, a _____ merchant, for which examination was applied, have been found by an analysis by this Bureau to be advantageous to agricultural products and are therefore allowed to be sold in the interior .

Name of Goods:_____

Name of Manufacturer:_____

Trademark:_____

Effective Constituent:_____

_____
Minister for Agriculture & Mining

_____
Chief of the Bureau for the Examination of Agricultural Products.

_____
(Date)

_____
Assistant Chief of the Bureau for the Examination of Agricultural Products.

_____
Head of the Fourth Department

REGULATIONS FOR THE INSPECTION OF FERTILIZERS

Penalties.

A notification issued by the Agricultural Products Inspection Bureau, states that on and after July 1, 1929 an inspection fee of 1 per cent. will be collected on fertilizers.

A free certificate (exempt from the inspection fee) and labels to be affixed to each package, will be issued for fertilizers that have passed the inspection, recognizing them as saleable in Chinese territory. The Bureau will charge a fee of $30 to $50 for each analysis.

All fertilizer merchants who fail to apply for inspection and those who smuggle are subject to a penalty under the following general conditions (a more complete statement will be issued later):-

1. Those who fail to apply for inspection within a time limit or those who smuggle without getting a certificate and labels are subject to a penalty of 80 per cent. of the value of the commodity.

2. Those who violate the regulations of the Bureau or who attempt to use false certificates and labels are subject to a penalty of 20 per cent. to 80 per cent. of the value of the commodity; or the Bureau may confiscate the commodity.

3. Bribery and corruption among employees of the Bureau and inspected merchants will be punished according to Law.

4. The Bureau will reward the reporter with one-half the value of the fine.

Regulations.

Apart from the penalty regulations given above, the Agricultural Products Inspection Bureau has issued regulations governing the inspection of fertilizers, which are given below:-

1. All fertilizers imported and home-produced are subject to inspection and analysis, as stated in the Regulation of the Bureau.

2. Fertilizer merchants should fill up the Bureau's Application Form, then apply at the Bureau (1036, Hsinmin Road, Chapei) together with the inspection fee and photo of the commodity. Bureau inspectors will be dispatched to the stated warehouse to take samples for analysis.

3. A certificate and labels to be posted on every package will be given to the merchant whose fertilizers have passed the test.

4. The Bureau will not refund inspection fee to merchants whose fertilizer samples fail to pass test.

5. Applicants should [illegible] witness the process of sampling, which is carried out by taking a few pounds of fertilizers from several sacks chosen at random; they are mixed and put into four bottles which are sealed, one of these is kept by the applicant, the others are taken to the Bureau for analysis.

6. If the composition of the fertilizer reported by the applicant disagrees with the result of the analysis to about 5 per cent. or if it is found to contain certain injurious ingredients the Bureau can decide as to what to do with the owner of the fertilizer.

7. After the inspection the Bureau may again dispatch inspectors to examine fertilizers at warehouses and inland distribution depots.

8. The Bureau may ask, if necessary, other official bureaux of every province to do the same work of inspection.

9. If the fertilizer is found to contain adulteration of foreign matter to increase its weight, etc., the Bureau will confiscate the commodity; its owner will be punished as stated in Article 5 of the Regulation of the Bureau. Attempt to false license is subject to the same punishment.

INSPECTION OF EXPORT CARGO.

Provisional Rules and Regulations.

The following Rules and Regulations for the inspection of Exported Goods were issued by the Ministry of Industry, Commerce and Labour of the Nationalist Government sometime in March, 1929.

RULES.

1.- The Ministry of Labour and Commerce of the Nationalist Government, with the object of protecting the interests of labour and commerce in this country, of elevating China's commercial credit with other countries, and of increasing the value of our exports, is establishing Bureaux for the Inspection of Exported Goods to carry out inspections of goods when they are exported.

2.- The Bureaux for the Inspection of Exported Goods shall be established at places where there is concentration of exports; their organization shall form the subject of separate enactment.

3.- The goods to be subjected to inspection shall provisionally be divided into eight classes as follows:-

i. Raw Silk
ii. Cotton and hemp
iii. Tea
iv. Rice, wheat and miscellaneous grains
v. Oils
vi. Beans
vii. Livestock, furs, hides and their accessory articles
viii. Other goods of commerce

4.- Goods belonging to the classes enumerated

in these Rules shall when they are exported have the place of origin, description, quantity, date before which export is to take place, and destination fully entered in a statement which, together with the inspection fee, is to be submitted, before the goods are passed through the Customs, to the local, or the nearest, Inspection Bureau for them to be inspected.

The amount of the Inspection Fee shall be laid down in the Detailed Rules.

5.- Goods which have passed the inspection and been found up to standard shall be given a certificate, and without such certificate they may not be passed through the Customs or exported.

6.- Merchants guilty of bribery when their goods are being inspected, or of fraudulently filling out, or altering inspection certificates, or officials of Bureau guilty of accepting bribes, shall be punished as prescribed by the relevant provisions of the Criminal Law.

Merchants guilty of infringing the first clause of Article 4, or, after inspection of the goods, of changing them for other goods, or altering the quantities, shall be suitably fined in proportion to value involved.

7.- The Detailed Rules for inspection shall be separately enacted.

8.- These Rules shall take effect from the date of their promulgation.

REGULATIONS.

Article 1.- The following regulations are based on the provisional enactment governing commercial exports Article 3, paragraph 7 and sub-section 7.

Also Article 9 of the Bureau of Examinations, provisional rules governing commercial exports.

Article 2.- All exporters from Shanghai of animal products of the first or second class should, in accordance with the provisions of these regulations, make request to have them examined. If the examination Bureau approve the products as being up to standard it will issue a certificate and then application may be made to the customs for an export permit.

Article 3.-:What are styled in the preceding articles "first and second class/animal products" are described in the succeeding regulations.

(1) Meat (ham, frozen meat, tinned meat, etc.)

(2) Fats (lard, suet, mutton fat, etc.)

(3) Casings(pig casings, ox casings, sheep casings, etc.)

(4) Eggs and egg products.

(5) Hides.

Article 4.- The exporting firm or merchant, when making request for examination, must write on the application form the name and place of his firm or residence; the kind of goods and number and weight of articles; the trade mark and date of export; the name of ship on which they are loaded and the country and port of destination and send, with examination fee, to the Bureau. The Bureau will issue a receipt and send an examiner to inspect the goods. If approved the cases will be closed under his supervision and a

certificate granted.

Article 5.- The examination fee must be paid in one sum; the regulations for receipt of fees are as follows.

(a) Ham:

Per 100 lb.	$1.50
For each 10 lb. less than 100 lb.	0.15
Less than 10 lb. to be reckoned as 10 lb.	

(b) Frozen meat:

Per 100 lb.	$0.60
Less than 100 lb. to be reckoned as 100 lb.	

(c) Tinned meats:

Per 100 lb.	$0.25
Less than 100 lb. to be reckoned as 100 lb.	

(d) Lard:

Per 100 lb.	$0.40
Less than 100 lb. to be reckoned as 100 lb.	

(e) Casings:

Pig and sheep casings (per picul)	$2.50
Ox casings (per picul)	1.00
Dried Pig and Sheep casings (per picul)	5.00
Dried Ox casings (per picul) ...	2.00
Less than 1 picul to be reckoned as 1 picul.	

(f) Eggs and Egg Products:

Frozen Eggs (per picul)	$0.03
Moist "	0.03
Dried "	0.12
Fresh " (per 1,000 pieces) ...	0.02

(g) Hides:

Per 10 piculs	$0.55

Less than 10 piculs to be reckoned as 10 piculs.

Article 6.- All firms or merchants exporting animal products of the first or second class must give attention to the following regulations governing the process of examination:

(1) Ham, Frozen Meat, Tinned Meat, Lard, etc., should all be the products of strong and healthy animals examined before and after slaughter by the Bureau of Examination and afterwards prepared for export. In the process of preparation attention should be given to cleanliness in accordance with the rules of health.

(2). Care should be taken in the preparation of animal casings that there are no broken or rotten sections nor nodules nor parts too thick or too thin, etc. They must all be properly disinfected.

(3) Eggs must be classified and packed according to the size and kind, must not be broken, rotten, have soft shells or any other imperfection or have other substances mixed with them; they must be given to cleanliness in accordance with the laws of health.

(4) Hides should be prepared clean and without smell and disease.

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